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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,748	09/06/2006	Shuuji Yano	062980	3427
38834	7590	04/13/2009	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP			ANDERSON, GUY G	
1250 CONNECTICUT AVENUE, NW				
SUITE 700			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036			2883	
			MAIL DATE	DELIVERY MODE
			04/13/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/591,748	YANO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Guy G. Anderson	2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 December 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) 3,4,6-8,10,11 and 13-15 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,5,9 and 12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 06 September 2006 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/6/2006 &amp; 12/4/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Election/Restrictions***

- 1.1 Applicant's election without traverse of Species A, claims 1-2, 5, 9 and 12 in the reply filed on 12/22/2008 is acknowledged.
- 1.2 Claims 3-4, 6-8, 10-11, 13-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/22/2008.

### ***Claim Rejections - 35 USC § 103***

- 2.1 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- 2.2 **Claim 1 is rejected under 35 U.S.C. 103(a)** as being unpatentable over the combination of US-5504603 to Winker in view of US-6476892 to Aminaka.

**Regarding claim 1**, Winker discloses an optical compensator comprising first and second polarizer's [Fig. 8, polarizer and analyzer], a liquid crystal cell between the polarizer's [liquid crystal layer], a negative C plate and a negative A plate arranged between the first polarizer and the LC cell, [Fig. 8], wherein the negative C plate is between the first polarizer and the negative A plate [Table 1, top of Col. 10, wherein different embodiments are described and a C plate is between the front side and the A plate.]

Winker does not specifically disclose an isotropic optical element arranged between the LC cell and the second polarizer.

However, Aminaka discloses an optical compensatory sheet consulting of acetate film that can be used as an isotropic optical element (e.g. a transparent protective film of a polarizing plate) of a liquid crystal display.

Since Aminaka and Winker are from the same field of endeavor, the acetate film of Aminaka would have been recognized as being in the pertinent art of Winker. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the acetate film of Amenaka with the LC display of Winker as a transparent protective film for the polarizer.

- 2.3 **Claim 2 is rejected under 35 U.S.C. 103(a)** as being unpatentable over the combination of US-5504603 to Winker in view of US-6476892 to Aminaka in view of US-4767190 to Dir.

**Regarding claim 2,** Winker does not specifically disclose a LC layer with homogeneously aligned nematic crystals in the absence of an electric field. Dir discloses this limitation. [Claim 1, lines 25-35.]

- 2.4 **Claims 5 and 9 are rejected under 35 U.S.C. 103(a)** as being unpatentable over the combination of US-5504603 to Winker in view of US-6476892 to Aminaka. Winker discloses stretched polymer films as materials for A and C films. [Col. 8, lines 5-25].

Winker does not specifically disclose a thermoplastic resin or polycarbonate based resins. However, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

- 2.5 **Claim 12 is rejected under 35 U.S.C. 103(a)** as being unpatentable over the combination of US-5504603 to Winker in view of US-6476892 to Aminaka. Winker does not specifically disclose an isotropic optical element containing acrylic or other listed resins. However, Aminaka discloses a cellulose based acetate film. Further, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy G. Anderson whose telephone number is 571.272.8045. The examiner can normally be reached on Tuesday-Saturday 1400-2200.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571.272.2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Guy G Anderson/  
Examiner, Art Unit 2883

/FRANK G FONT/  
Supervisory Patent Examiner, Art Unit 2883

April 12, 2009